

Service Date: November 5, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

\* \* \* \* \*

IN THE MATTER of Montana Power	)	UTILITY DIVISION
Company's August 29, 1991,	)	DOCKET NO. 91.8.31
Electric Utility Rate Change.	)	ORDER NO. 5566b

ORDER ON MOTION TO RECONSIDER

BACKGROUND

On August 28, 1991 the Commission issued Order No. 5566 in this Docket authorizing the deferral of a Montana Power Company (MPC) electric rate change. On August 29, 1991 MPC was entitled to increase electric rates to reflect an increase in annual revenues of \$4,942,715 (later amended per Order No. 5566a). Because it is Commission policy to minimize the number of rate changes for any utility, and because MPC has a scheduled rate change on November 1st of each year to reflect the winter/summer differential, the Commission ordered MPC to defer implementation of the August 29, 1991 rate change to November 1, 1991. The Commission authorized MPC to earn interest on its uncollected revenues (from August 29 - November 1) at its return on equity rate of 12.1 percent. The uncollected revenues, plus interest, will be amortized and excluded from rates by August 29, 1992.

On September 9, 1991 the Commission received a Motion to Reconsider Order No. 5566 from David C. Mogan, a MPC electric customer in Hinsdale, Montana. Mr. Mogan contends that the Commission should reconsider allowing MPC to collect interest on the uncollected revenues, or, in the alternative, MPC should be required to bill the correct amount for services rendered.

### DISCUSSION

Order No. 5566 addresses MPC rate changes associated with five Commission dockets (Docket Nos. 90.6.39, 90.3.17, 91.6.24, 91.8.28 and 84.11.71). Mr. Mogan is not a party to any of these proceedings. Unless a person initiates a Commission proceeding, or is named as a defendant or respondent in a Commission proceeding, party status must be granted by the Commission pursuant to Commission rules and procedural orders. See ARM 38.2.601(n) and 38.2.2401 et seq. A motion for reconsideration in a Commission proceeding may only be made by a person properly a party. See ARM 38.2.4806(1). Because Mr. Mogan is not a proper party to any of the Commission proceedings affected by Order No. 5566, and because the opportunity to be admitted as a party has long since passed, the Commission will not reconsider Order No. 5566 on Mr. Mogan's motion.

### CONCLUSIONS OF LAW

Applicant, Montana Power Company, provides electric service within the State of Montana and as such is a "public utility" within the meaning of Section 69-3-101, MCA.

The Montana Public Service Commission properly exercises jurisdiction over the Applicant's Montana rates and operations pursuant to Title 69, Chapter 3, MCA.

The Montana Public Service Commission may adopt and publish reasonable and proper rules to govern its proceedings. See 69-3-103(b), MCA.

The Montana Public Service Commission has adopted reasonable rules relative to party status and intervention in its proceedings. See ARM 38.2.901 and 38.2.2401.

ORDER

NOW THEREFORE IT IS ORDERED that the Motion to Reconsider Order No. 5566, described above, is hereby Denied.

Done and Dated this 29th day of October, 1991 by a vote of 4-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

---

HOWARD L. ELLIS, Chairman

---

DANNY OBERG, Vice Chairman

---

BOB ANDERSON, Commissioner

---

WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)